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# **NASA Procedural Requirements**

**NPR 3792.1B**

Effective Date: July 29, 2006

Expiration Date: July 29, 2011

**COMPLIANCE IS MANDATORY**

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## **Plan for a Drug-Free Workplace (REVALIDATED w/Change 1 12/06/06)**

**Responsible Office: Office of Human Capital Management**

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# Change History

## NPR 3792.1B NASA Plan for a Drug-Free Workplace

Change#	Date	Description
1	12/06/2006	<p>4.2. Privacy Provision revised to add clarity regarding the possible situations that might arise where a direct observation collection may be required; some situations are the result of expanded authority of the Medical Review Officer due to validity testing of all specimens.</p> <p>Paragraph 4.4.2.6 Deferral of Random Testing-revised to require the approval of the first and second line supervisor only when there is a need for the employee to perform a time critical task or function; other situations where the employee is on supervisor or designated approval authority.</p>

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# Preface

## P.1 Purpose

NASA strives to ensure a workplace that is safe and free of illegal drug use by all employees. This NPR is the NASA Plan for a Drug-Free Workplace and, in conjunction with the applicable statutory and regulatory requirements, establishes the responsibilities, procedures, and guidelines for a comprehensive Drug-Free Workplace Program, as required by law and approved by the Department of Health and Human Services (HHS).

## P.2 Applicability

This NPR is applicable to NASA Headquarters and NASA Centers, including Component Facilities, the NASA Shared Services Center (NSSC), and the Office of the Inspector General. Unless otherwise stated, the use of the word Center(s) in the text of this NPR includes NASA Headquarters and the NSSC, and any reference to Center Director(s) includes the Assistant Administrator for Infrastructure and Administration and the Executive Director, NSSC.

## P.3 Authority

- a. 5 U.S.C. §552(a), The Privacy Act of 1974, as amended.
- b. 5 U.S.C. §1101 note, Civil Service Reform Act of 1978.
- c. 5 U.S.C. §7103, Labor-Management Relations; Definitions.
- d. 5 U.S.C. §7301 note, Restriction on Availability of Funds to Administer or Implement Drug Testing.
- e. 5 U.S.C. §7361, Federal Employees' Substance Abuse Education and Treatment Act of 1986.
- f. 5 U.S.C. §8331(20), Civil Service Retirement; Definitions.
- g. 5 U.S.C. §8401(17), Federal Employees' Retirement System, General Provisions.
- h. 21 U.S.C. §802(6), Drug Abuse Prevention and Control: Control and Enforcement; Definitions.
- i. 42 U.S.C. §290dd(b), Substance Abuse Among Government and Other Employees.
- j. 42 U.S.C. §2473c, Civilian Space Employee Testing Act of 1991.
- k. 14 CFR Part 1214.5, Mission Critical Space System Personnel Reliability Program.
- l. 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records.
- m. 48 CFR Part 1823.5, Drug-Free Workplace.

- n. 48 CFR Part 1852.223-74, NASA FAR; Drug- and Alcohol-Free Workforce.
- o. Executive Order (EO) 10450, Security Requirements for Government Employment, dated April 27, 1953.
- p. EO 12356, National Security Information, dated April 2, 1982.
- q. EO 12564, Drug-Free Federal Workplace, dated September 15, 1986.
- r. Mandatory Guidelines for Federal Workplace Drug Testing Programs, 69 FR 19644, April 13, 2004.
- s. Public Law 85-568, National Aeronautics and Space Act of 1958.
- t. Public Law 100-440, Section 628 of the Treasury, Postal Service, and General Government Appropriations Act of 1989, as amended.

## **P.4 References**

- a. NPD 1382.17, NASA Privacy Policy.
- b. NPD 1830.1, NASA Employee Assistance Program.
- c. NPD 3000.1, Management of Human Resources.
- d. NPR 1441.1, NASA Records Retention Schedules.
- e. NPR 3752.1, Disciplinary and Adverse Actions.

## **P.5 Cancellation**

NPR 3792.1A, dated September 7, 2000.

/S/

Charles H. Scales  
Associate Administrator  
for Institutions and Management

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# Chapter 1. Introduction

## 1.1 Background

1.1.1 On September 15, 1986, President Reagan signed EO 12564, Drug-Free Federal Workplace, which established the goal of a drug-free workplace and made it a condition of employment for all Federal employees to refrain from using illegal drugs on or off duty.

1.1.2 On July 11, 1987, Congress passed Public Law 100-71, the Supplemental Appropriations Act of 1987 (hereafter, "the Act"). Section 503 of the Act affects implementation of EO 12564 by requiring the following:

- a. Uniformity among agency drug-testing plans.
- b. Reliable and accurate drug testing.
- c. Employee access to drug-testing records.
- d. Confidentiality of drug-testing results.
- e. Centralized oversight of the Federal Government's drug-testing program.

1.1.3 NASA was established by the National Aeronautics and Space Act of 1958, as amended, wherein Congress declared the following:

- a. It is the policy of the United States that activities in space be devoted to peaceful purposes for the benefit of all mankind.
- b. The general welfare and security of the United States require that adequate provision be made for aeronautical and space activities.

1.1.4 By the Space Act, Congress also decreed that the aeronautical and space activities of the United States shall be conducted so as to contribute materially to one or more of the following objectives:

- a. The expansion of human knowledge of the Earth and of phenomena in the atmosphere and space.
- b. The improvement of the usefulness, performance, speed, safety, and efficiency of aeronautical and space vehicles.
- c. The development and operation of vehicles capable of carrying instruments, equipment, supplies, and living organisms through space.
- d. The establishment of long-range studies of the potential benefits to be gained from, the opportunities for, and the problems involved in the utilization of aeronautical and space activities for peaceful and scientific purposes.
- e. The preservation of the role of the United States as a leader in aeronautical and space science and

technology and in the application thereof to the conduct of peaceful activities within and outside the atmosphere.

f. The making available to agencies directly concerned with national defense of discoveries that have military value or significance, and the furnishing by such agencies, to the civilian agency established to direct and control nonmilitary aeronautical and space activities, of information as to discoveries that have value or significance to that agency.

g. Cooperation by the United States with other nations and groups of nations in work done pursuant to the National Aeronautics and Space Act of 1958, as amended, and in the peaceful application of the results thereof.

h. The most effective utilization of the scientific and engineering resources of the United States, with close cooperation among all interested agencies of the United States, in order to avoid unnecessary duplication of effort, facilities, and equipment.

## **1.2 Policy**

1.2.1 It is a well-established fact that employees who use illegal drugs, on or off duty, tend to be less productive, less reliable, and prone to greater absenteeism, thereby impairing their ability to perform tasks that are critical to the Agency's mission and resulting in the potential for accidents on duty and failures that can pose serious threats to national security and the safety and health of the public, our partners, our people, and our valued national assets. Illegal drug use is detrimental to the functioning of NASA employees in accomplishing such unique missions as developing and operating vehicles capable of carrying instruments, equipment, supplies, and living organisms through space and making available to agencies, directly concerned with national defense, discoveries that have military value or significance. Due to NASA's scientific and research missions and responsibilities and the sensitive nature of its work, NASA has a compelling obligation to eliminate illegal drug use from the workplace.

1.2.2 It is NASA's policy to ensure a workplace that is free of illegal drugs and to eliminate illegal drug use by all employees in the NASA workplace, including, to the extent possible, contractor employees (see paragraph 1.2.2g). To achieve this policy and as a deterrence to illegal drug use, NASA has established a comprehensive drug-prevention program that emphasizes the following:

- a. Any NASA employee who is using illegal drugs should be offered the opportunity for rehabilitation.
- b. NASA provides drug education and training, employee counseling and assistance, and voluntary drug testing for all employees.
- c. NASA employees will be treated with personal dignity, and their privacy will be respected in reaching NASA's goal of a drug-free workplace.
- d. NASA guarantees that disciplinary action for illegal drug use will not be taken against an employee who voluntarily identifies himself/herself as a user of illegal drugs and who otherwise complies with the provisions of this Plan.
- e. While it is NASA's intent to help an employee overcome a drug-related problem, it must be clear to all that illegal drug use will not be tolerated.
- f. Active participation and support of labor organizations can contribute to the success of this program. NASA will seek ways in which recognized bargaining unit representatives might assist in program implementation, such as in acquainting employees with rehabilitation facilities and by



enhancing employee confidence in the program. NASA will include union representatives in general employee orientation programs and will continue to meet its obligations under Title VII of the Civil Service Reform Act of 1978.

g. While EO 12564 mandated that this Plan cover only Federal civil service employees, on March 28, 1996, NASA implemented a requirement for NASA contractors to institute and maintain a program for achieving a drug-free workforce by providing for pre-employment, reasonable-suspicion, random, post-accident, and follow-up testing of contractor employees responsible for safety-sensitive, security, or national security functions as required by the Civil Space Employee Testing Act of 1991. These requirements may be found in 48 CFR 1852.223.

1.2.3 It is NASA's policy that its workplace be free from the illegal use, possession of, or distribution of controlled substances, (as specified in Schedules I and II, as defined in 21 U.S.C. §802(6), and listed in Part B, Subchapter 13 of that Title) by the officers and employees of NASA. The possession and distribution of controlled substances will be dealt with promptly in accordance with legal and administrative disciplinary procedures. However, the policy's primary goal is to ensure that illegal drug use is eliminated and that NASA's workplace be safe, healthy, productive, and secure.

## 1.3 Coverage

1.3.1 A drug-free workplace can best be achieved when all personnel who are at the worksite participate in a comprehensive drug-prevention program. This is especially true for NASA, due to its unique operational setting. Since its inception, NASA has benefited from the Government-industry-university team concept in which the nature of NASA's operations in the workplace is such that, in many instances, civil service and contractor employees work in close cooperation.

1.3.2 In accordance with EO 12564, this Plan applies to all NASA employees, including individuals:

- a. On Intergovernmental Personnel Act (IPA) assignments to NASA.
- b. Appointed as experts and consultants.
- c. Appointed to an Excepted Service position.
- d. Detailed to NASA from another Federal agency or department.

1.3.3 The Civil Space Employee Testing Act of 1991 required NASA to prescribe regulations for periodic testing of contractor employees for use of alcohol or controlled substances in violation of applicable law or Federal regulation (48 CFR Parts 1823.5 and 1852.223-74).

## 1.4 Nature, Frequency, and Type of Drug Testing to be Instituted

1.4.1 Section 503 of the Act requires the NASA Plan to specify the nature, frequency, and type of drug testing to be instituted. The NASA Plan includes the following types of drug testing:

- a. Pre-employment Testing.
- b. Random testing of employees in Testing Designated Positions (TDPs). The TDP criteria are contained in Appendix A, and the TDPs are listed in Appendix B. NASA management reserves the right to make changes, additions, and deletions to the TDP list, pursuant to the Guidance for Selection of TDPs established by the Interagency Coordinating Group (ICG) Executive Committee

and this Plan.

- c. Reasonable-suspicion testing.
- d. Accident or unsafe practice testing.
- e. Voluntary testing.
- f. Testing as part of and as a follow up to counseling or rehabilitation.

1.4.2 The frequency of testing shall depend on the type of testing to be conducted.

1.4.2.1 Random Testing. Generally, 25 percent of the TDP pool shall be subject to random testing at least four times a year.

1.4.2.2 Follow-up Testing. Follow-up testing shall be unannounced and conducted at least four times per year for a period of at least one year or as agreed to in a last chance agreement.

1.4.3 NASA management reserves the right to increase or decrease the frequency and testing percentage of any category of drug testing, consistent with the duty to achieve a drug-free workplace under EO 12564.

## 1.5 Drugs for which Individuals will be Tested

Section 503 of the Act requires the NASA Plan to specify the drugs for which individuals will be tested. NASA will test for the following drugs: Marijuana, Cocaine, Amphetamines, Opiates, and Phencyclidine (PCP).

## 1.6 Definitions

1.6.1 Applicant -- any individual tentatively selected for a TDP who has not, immediately prior to the selection, been subject to random testing by NASA.

1.6.2 Adulterated Specimen -- a urine specimen containing either a substance that is not a normal constituent or containing an endogenous substance at a concentration that is not a normal physiological concentration.

1.6.3 Collection Site -- a place designated by the Agency where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

1.6.4 Collector -- a person who has successfully completed training to instruct and assist individuals at a collection site and who receives and makes an initial examination of the urine specimen provided by those individuals.

1.6.5 Days -- calendar days unless specified otherwise.

1.6.6 Drug Program Coordinator (DPC) -- the individual who is responsible for managing the Agency's Drug-Free Workplace Program at each Center.

1.6.7 Dilute Specimen -- a urine specimen with less than normal physiological constituents.

1.6.8 Drug Program Manager (DPM) -- the individual at NASA Headquarters who is responsible for overseeing the Drug-Free Workplace Program on an Agency-wide basis.

1.6.9 Employee Assistance Program (EAP) -- the NASA program that offers short-term counseling and referral services to employees for a wide range of drug, alcohol, mental health, and related

problems and monitors their progress while in treatment.

1.6.10 EAP Administrator -- the Director, Occupational Health, serves as the EAP Administrator for NASA and is responsible for ensuring the development, implementation, and review of the EAP on an Agency-wide basis.

1.6.11 EAP Coordinator -- the individual designated at each Center who is responsible for implementing and operating the Center's EAP.

1.6.12 Employees in Sensitive Positions means the following:

- a. Employees in positions designated as Special Sensitive, Critical Sensitive, or Non-critical Sensitive.
- b. Employees in positions designated as sensitive in accordance with EO 10450, as amended.
- c. Employees who have been granted access to classified information or who may be granted access to classified information pursuant to a determination of trustworthiness in accordance with EO 12356.
- d. Individuals serving under Presidential appointments requiring Senate confirmation.
- e. Law enforcement officers as defined in 5 U.S.C. §§8331(20) and 8401(17).
- f. Other positions that involve law enforcement, national security, the protection of life and property, public health or safety, or other functions requiring a high degree of trust and confidence.

1.6.13 Follow-up Test -- a specimen collected from an employee to ensure that the employee remains drug-free after being reinstated to a TDP.

1.6.14 Illegal Drug -- a controlled substance included in Schedule I or II, as defined by 21 U.S.C. §802(6), the possession of which is unlawful under Chapter 13 of that Title. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

1.6.15 Invalid Result -- a result reported by an HHS-certified laboratory to a Medical Review Officer for a urine specimen that contains an unidentified adulterant, contains an unidentified interfering substance, has an abnormal physical characteristic, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing testing or obtaining a valid drug test result.

1.6.16 Last Chance Agreement -- an agreement between NASA and an employee that contains terms under which the employee will be given a last opportunity to maintain employment with NASA.

1.6.17 Management Official -- an employee required or authorized by NASA to formulate, determine, or influence NASA policies (5 U.S.C. §7103(a)(11)).

1.6.18 Medical Review Officer (MRO) -- the Special Assistant on Quality Assurance and Aerospace Medicine serves as the Agency MRO. Each Center's MRO is responsible for receiving laboratory results generated from the NASA Drug-Free Workplace Program and for consulting with the Agency MRO, as needed. Each MRO must be a licensed physician and certified as an MRO with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results together with an individual's medical history and any other relevant biomedical information.

1.6.19 Nonnegative Result -- a result reported by an HHS-certified laboratory when a specimen is adulterated, substituted, positive (for a drug or drug metabolite), or invalid.

1.6.20 Positive Result -- a result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite.

1.6.21 Post-Accident or Unsafe Practice Test -- a specimen collected from an employee after the employee is involved in a job-related accident or who engaged in unsafe on-duty, job-related activities that posed a danger to others or the overall operation of the Agency.

1.6.22 Pre-employment Test -- a specimen collected from an applicant tentatively selected for a TDP the result of which must be negative prior to appointment to the position.

1.6.23 Random Test -- a specimen collected from an employee who is selected at random from a group of individuals who are included in a workplace drug-testing program.

1.6.24 Reasonable-Suspicion Test -- a specimen collected from an employee when there is sufficient evidence to indicate that the employee may have used an illegal substance.

1.6.25 Safe Harbor -- a provision whereby disciplinary action will not be initiated against an employee who (1) voluntarily identifies himself or herself as a user of illegal drugs to management prior to being identified as a user through any other means, (2) obtains counseling or rehabilitation through an EAP, and (3) thereafter refrains from using illegal drugs.

1.6.26 Specimen -- urine collected from an individual that may be subdivided.

1.6.27 Split Specimen -- a urine specimen that has been subdivided into two parts (Bottle A and Bottle B) and independently sealed in the presence of the individual being tested.

1.6.28 Substituted Specimen -- a specimen that could not have been derived from the individual's body at the time of collection because it is inconsistent with normal physiology.

1.6.29 Supervisor -- an employee having authority to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment (5 U.S.C. §7103(a)(10)).

1.6.30 Testing Designated Positions (TDP) -- positions within NASA that have been designated by management for random testing under Chapter 4, paragraph 4.4.2 (see Appendices A and B).

1.6.31 Voluntary Test -- a specimen collected from an employee who is not in a TDP and who has volunteered for unannounced random testing.

## **1.7 Effective Date**

The NASA Drug-Free Workplace Program was implemented in January 1990 upon HHS certification of all Executive Branch agencies pursuant to Section 503 of the Act.

## **1.8 Revision of NASA Plan**

NASA reserves the right to make changes, additions, and deletions to this Plan consistent with EO 12564 and Section 503 of the Act.

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# Chapter 2. Program Management Responsibilities

## 2.1 Assistant Administrator for Human Capital Management (HCM)

2.1.1 The Assistant Administrator for HCM is responsible for the following:

- a. Ensuring the implementation of this Plan.
- b. Establishing the processes and procedures necessary to carry out this Plan.
- c. Designating the Agency's Drug Program Manager (DPM).

## 2.2 Drug Program Manager (DPM)

2.2.1 The Assistant Administrator for HCM will designate an official to serve as DPM with responsibility for the NASA Drug-Free Workplace Program on an Agency-wide basis. Duties include, but are not limited to, the following:

- a. Reporting to the Assistant Administrator for HCM on the status of the Drug-Free Workplace Program.
- b. Overseeing implementation of this Plan on an Agency-wide basis.
- c. Coordinating all Drug-Free Workplace Program activities wherever possible to conserve resources and to accomplish reliable and accurate testing efficiently.

## 2.3 Employee Assistance Program (EAP) Administrator

2.3.1 The Director, Occupational Health, serves as the Agency's EAP Administrator and is responsible for the following:

- a. Assuming the lead role in the development, implementation, and evaluation of the EAP.
- b. Assisting the EAP Coordinator and counselors in establishing their local EAPs.
- c. Advising on and preparing statistical reports.

## 2.4 MRO

2.4.1 The Special Assistant on Quality Assurance and Aerospace Medicine serves as the Agency MRO and is responsible for developing and evaluating the Agency-wide medical review function as

it relates to drug testing, including advising on and preparing statistical reports. Each Center's MRO is responsible for the following:

- a. Reviewing laboratory test results of the Center's employees and tentatively selected applicants to TDPs.
- b. Ensuring that an individual who has tested positive has been afforded an opportunity to justify the test result in accordance with Chapter 4, paragraph 4.1.
- c. Evaluating and determining if the positive test result is justified or unjustified, based on an assessment pursuant to Chapter 4, paragraph 4.1.
- d. Consistent with confidentiality requirements, referring written determinations regarding all verified positive test results to the DPC (paragraph 2.5).
- e. Consulting with the Agency MRO, as needed.

## **2.5 DPC**

2.5.1 NASA will designate a DPC to implement, direct, administer, and manage the Drug-Free Workplace Program for the Agency in accordance with this Plan. This includes coordinating with the MRO (paragraph 2.4).

2.5.2 In coordination with Center officials and the EAP Coordinator, the DPC will publicize and disseminate Drug-Free Workplace Program educational materials and oversee training and education sessions regarding drug use and rehabilitation.

2.5.3 The DPC will serve as the principal contact with the laboratory in ensuring the effective operation of the testing portion of the program. The DPC will, in conjunction with the DPM, accomplish the following:

- a. Arrange for all testing authorized under this Plan.
- b. Coordinate with and report to the DPM on DPC activities and findings that may affect the reliability or accuracy of laboratory results.
- c. Coordinate administrative actions with management when a finding of illegal drug use occurs under this Plan.

## **2.6 EAP Coordinator**

2.6.1 The EAP Coordinator at each Center shall, in conjunction with the EAP Administrator, perform the following:

- a. Implement the local EAP.
- b. Provide counseling and treatment referral services to any employee that is referred to the EAP by his/her supervisor or on self-referral and, otherwise, offer an employee the opportunity for counseling and rehabilitation.
- c. Coordinate with the DPC, MRO, and supervisors, as appropriate.
- d. Work with the DPC to provide educational materials and training to managers, supervisors, and employees about illegal drugs in the workplace to include the recognition and documentation of facts and circumstances that support a reasonable suspicion that an employee may be using illegal



drugs.

- e. Assist supervisors with any employee who is having performance and/or personal problems that may be related to illegal drug use.
- f. Monitor the progress of any referred employee during and after the rehabilitation period and provide feedback to his/her supervisor in accordance with 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records.
- g. Maintain a list of rehabilitative and treatment organizations that provide counseling and rehabilitative programs.

## **2.7 EAP Counselors**

2.7.1 EAP Counselors at each Center shall perform the following:

- a. Serve as the initial point of contact for employees who ask for or are referred to counseling.
- b. Be familiar with all applicable laws and regulations, including drug treatment/rehabilitative insurance coverage that is available to employees through the Federal Employee Health Benefits Program.
- c. Be qualified and trained in counseling employees in the occupational setting and be familiar with identifying evidence of illegal drug use.
- d. Ensure the privacy of an employee's record and treatment in accordance with this Plan.
- e. Document and sign the treatment plan prescribed for an employee referred for counseling or rehabilitation, after obtaining the employee's signature on the treatment plan.
- f. In making referrals, consider the following:
  - (1) Nature and severity of the problem.
  - (2) Location of the treatment.
  - (3) Cost of the treatment.
  - (4) Intensity of the treatment environment.
  - (5) Availability of inpatient/outpatient care.
  - (6) Other special needs (e.g., transportation).
  - (7) The preferences of the employee.

## **2.8 Supervisors**

2.8.1 Supervisors, with the assistance of the Center's Human Resources Office, shall identify positions within their organization that shall be subject to random testing in accordance with Appendix A, NASA Guidelines for Determining Testing Designated Positions (TDPs) Subject to Random Drug Testing.

2.8.2 Supervisors shall be familiar with the requirements of this Plan, especially the provisions that ensure employees that their personal dignity and privacy shall be respected in accordance with Chapter 4, paragraph 4.2.

2.8.3 Except as modified by NASA management to suit specific program responsibilities, all supervisors must participate in training on recognizing and addressing illegal drug use in the workplace.

2.8.4 A supervisor may request a reasonable-suspicion test, after first making appropriate factual observations, documenting those observations, and obtaining approval from the appropriate management officials, specifically the Office of General Counsel.

2.8.5 Upon a finding of illegal drug use, the supervisor must refer the employee to an EAP Counselor for assistance in obtaining counseling and rehabilitation.

2.8.6 Upon a finding of illegal drug use, the supervisor must initiate appropriate disciplinary action in accordance with Chapter 5.

2.8.7 The supervisor shall assist a higher-level supervisor and the EAP Coordinator in evaluating an employee's performance and/or personnel problems that may be related to the use of illegal drugs.

## **2.9 Centers' Human Resources Offices**

2.9.1 Centers' Human Resources Offices shall:

- a. Assist supervisors with the identification of positions within their organizations that shall be subject to random testing in accordance with Appendix A of this NPR.
- b. Ensure that all employees, subject to random testing, receive individual notice as described in Chapter 4, paragraph 4.4.2.4.
- c. Ensure that vacancy announcements for TDPs include the appropriate statement regarding pre-employment testing.
- d. Notify any NASA applicant not previously subject to random drug testing or an outside applicant tentatively selected for a TDP that appointment to the position is contingent upon a negative drug test result.



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## Chapter 3. Training and Education

### 3.1 Implementation

Under the direction of the DPM, the Director, Workforce Management and Development Division, shall provide training to ensure that all employees and supervisors are fully informed of the NASA Drug-Free Workplace Program. Each Center shall implement the training.

### 3.2 Supervisory Training

3.2.1 Since supervisors have a key role in establishing and monitoring a drug-free workplace, NASA shall provide training to assist supervisors in recognizing and addressing illegal drug use by NASA employees. Training shall be required of all supervisors and may be presented as a separate course or be included as part of an ongoing supervisory training program. Training shall be provided as soon as possible after a person assumes supervisory responsibility; however, failure to receive such training shall not invalidate otherwise proper management decisions. The purpose of supervisory training is to provide the following information:

- a. NASA policies relevant to work-performance problems, drug use, and the EAP.
- b. The rights of employees.
- c. The responsibilities of offering EAP services.
- d. The process for recognizing and documenting performance and behavioral changes.
- e. The roles of the medical staff, supervisors, human resources staff, legal counsel, and EAP personnel.
- f. How to use the EAP.
- g. How EAP relates to the performance appraisal and the disciplinary process.
- h. The process of reintegrating employees into the workforce who have successfully completed a rehabilitative program.

### 3.3 Employee Education

3.3.1 Each Center shall offer drug education to all employees that includes the following objectives:

- a. Types and effects of drugs.
- b. Rights of the employee.
- c. Symptoms of drug use and its effect on performance and conduct.

d. The relationship of the EAP to the Drug-Free Workplace Program.

e. Other relevant treatment, rehabilitative, and confidentiality issues.

3.3.2 Drug education activities may include the following:

a. Distribution of written materials.

b. Videotapes.

c. Lunchtime employee forums.

d. Employee drug-awareness days.

e. Web-based training.

## **3.4 Union Officials**

Each Center shall provide orientation and training to union officials.

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# Chapter 4. Testing for Illegal Drugs

## 4.1 Technical Guidelines for Drug Testing

4.1.1 NASA shall adhere to all scientific and technical guidelines for Federal drug testing programs promulgated by the Department of Health and Human Services (HHS) which are consistent with the authority granted by EO 12564 and to the requirements of Section 503 of the Act. To the extent that any of the procedures specified in this NPR are inconsistent with any of those specified in the HHS Mandatory Guidelines for Federal Drug Testing Programs or any subsequent revisions, such HHS Mandatory Guidelines or revisions shall supersede the procedures specified in this NPR, but only to the extent of the inconsistency.

4.1.2 NASA's Drug-Free Workplace Program shall utilize trained collection personnel and only laboratories approved and certified by HHS and shall adhere to strict confidentiality requirements.

4.1.3 NASA shall use a split specimen method of collection.

4.1.4 All tested employees shall receive written notification of their test results.

4.1.5 An MRO must review all confirmed nonnegative test results (i.e., positive, adulterated, substituted, or invalid) and all negative and dilute test results returned by the HHS-certified laboratory. When a specimen result is reported by the laboratory as nonnegative (i.e., positive, adulterated, substituted, or invalid), the MRO must contact the employee or applicant and provide the opportunity to justify the test result. If the employee or applicant chooses to offer an explanation for the nonnegative test result, he/she may present to the MRO any information and/or declare any condition he/she believes might have affected the test result (e.g., prescribed medication). The MRO must consider all information provided. Employees and applicants are not entitled to present evidence to the MRO in a trial-type administrative proceeding, although the MRO has the discretion to accept evidence in any manner deemed most efficient or necessary.

4.1.5.1 If the MRO determines that the employee's or applicant's justification for the nonnegative test result is acceptable, the result shall be verified as negative and so reported to the DPC; the testing procedure is concluded at this point.

4.1.5.2 If the MRO determines that the employee's or applicant's justification for the nonnegative test result is not sufficient, the result shall be considered a verified test result and forwarded to the DPC for further action.

4.1.5.3 If the test result is positive, substituted, or adulterated, the MRO shall inform the employee that he/she may request a retest of the specimen. The retest shall be conducted using the split (i.e., a portion of the original specimen) of the specimen and at the same NASA-contracted laboratory, at NASA expense, unless the employee requests that the retest be conducted at another HHS-certified laboratory. In such instances, the contracted laboratory used by NASA shall send the split of the specimen to the laboratory designated by the employee; and the cost of the retest shall be paid by the employee.

4.1.6 An employee cannot request a retest of a specimen reported as invalid.

4.1.7 An applicant shall not be afforded an opportunity for a retest of a nonnegative (i.e., positive, substituted, or adulterated) test result.

4.1.8 If an employee's test result shows evidence of illegal drug use and that employee occupies a TDP, NASA management shall immediately take the employee out of that position and determine the appropriate course of action in accordance with Chapter 5.

## **4.2 Privacy Provision**

4.2.1 Any individual, subject to testing under this Plan, shall be permitted to provide urine specimens in private, in a rest room stall or similar enclosure, so that the employee is not observed while providing the sample with the following exceptions:

4.2.1.1 At the scene of an accident when a rest room stall or similar enclosure or alternative collection site that can be secured is not available.

4.2.1.2 In those cases where the collector or MRO, with the approval of the DPC and Center's Human Resources Office, has reason to believe the individual may attempt to alter or substitute the specimen to be provided. Such belief must be supported by one of the following:

a. The individual's behavior suggests that he/she is under the influence of drugs at the time of testing.

b. At the time of testing, the individual is found to possess the means of tampering with or altering urine samples.

c. The individual has previously tampered with a sample.

d. The specimen:

(1) Has a temperature outside the range of 32.5-37.7 degrees C/90.5-99.8 degrees F; or

(2) Shows signs of contaminants.

4.2.1.3 In those cases when the MRO directs the Agency to do so:

a. Because the individual's previous test result was invalid.

b. The next time the individual is randomly selected for testing because the previous test result was negative and dilute.

c. When a negative result is a requirement based on the reason for testing (i.e., pre-employment, follow-up, reasonable suspicion, or post-accident) because the previous test result was negative and dilute.

4.2.2 When observation is required and there is no trained collector of the same gender available, the Agency shall select an observer of the same gender.

## **4.3 General Notice to Employees**

Prior to the implementation of the Plan and in accordance with EO 12564 Section 4(a), a general notice announcing the NASA Drug-Free Workplace Program was provided to all employees on January 26, 1989, that addressed the purpose of the Program, the use of education, training, and

EAP assistance, and the circumstances under which testing may occur.

## 4.4 Types of Testing

### 4.4.1 Pre-employment Testing

4.4.1.1 To maintain the high professional standards of the NASA workforce, it is imperative that individuals who use illegal drugs be screened out during the initial employment process before they are placed on the employment rolls of the Agency. Doing so will have a positive effect on reducing instances of illegal drug use by employees working for NASA and will provide for a safe, healthy, productive, and secure working environment. Therefore, there is no exemption from pre-employment testing for any applicant tentatively selected for a TDP.

4.4.1.2 Any vacancy announcement for a TDP shall include an appropriate statement regarding pre-employment testing, e.g., "Any applicant tentatively selected for this position will be required to submit to screening for illegal drug use prior to appointment and will be subject to random drug testing while occupying the position." Failure of the vacancy announcement to contain this statement notice will not preclude pre-employment testing if advance written notice is provided to an applicant in some other manner.

#### 4.4.1.3 Procedures for Pre-employment Testing

- a. Upon notification by the hiring Center's Human Resources Office that an applicant has been tentatively selected for a TDP, the DPC shall notify the individual to report to an appropriate collection site. The drug test must be undertaken as soon after notification as possible but no later than 48 hours after notice to the applicant.
- b. The applicant shall be advised of the opportunity to submit medical documentation that may support a legitimate use for a specific drug and that such information will be reviewed only by the MRO to determine whether the individual is licitly using an otherwise illegal drug.
- c. The applicant shall bear the costs of travel to/from the collection site; specimen collection and analysis costs shall be borne by NASA.
- d. When an applicant must submit to a physical examination as a condition of employment, drug testing shall be performed as part of the physical examination procedures.
- e. The hiring Center's MRO shall review and report the test results.

#### 4.4.1.6 Consequences for Refusal to Take a Drug Test or Receiving a Nonnegative Test Result

- a. If an outside applicant refuses to take a drug test, he/she will not be hired by NASA. Failure to appear for testing without justification acceptable to NASA management will be considered refusal to participate in testing.
- b. NASA will decline a final offer of employment to any outside applicant with a verified nonnegative test result, and such applicant may not reapply to NASA for a period of six months from the date of the nonnegative test result. The hiring Center's Human Resources Office shall object to the applicant for medical or suitability reasons and shall inform the applicant that a confirmed presence of an illegal drug in the applicant's urine precludes NASA from hiring him/her.
- c. Should a current NASA employee, tentatively selected for a TDP, refuse to take a drug test or have a verified nonnegative test result, the employee shall be subject to the full range of disciplinary actions, including removal, and shall not be selected for the TDP.

#### 4.4.2 Random Testing

4.4.2.1 Employees occupying positions that have been determined to be TDPs, in accordance with Appendix A of this NPR, shall be subject to random testing.

4.4.2.2 Pursuant to 42 U.S.C. §290dd(b)(2)(E), all positions that have been or will be designated as TDPs under this NPR are sensitive positions and are, therefore, exempt from coverage under 42 U.S.C. §290dd(b)(1), which provides that no person may be denied or deprived of Federal civilian employment or a Federal professional or other license or right solely on the basis of prior drug abuse.

4.4.2.3 The frequency and percentage of the TDP pool to be subject to random testing shall be determined according to management's needs (i.e., generally, testing shall be conducted at least four times a year, and 25 percent of the total TDP pool shall be tested each year).

4.4.2.4 Individual Notice to Employee in a TDP a. An individual notice must be distributed to each employee in a TDP explaining the following:

- (1) That the employee's position has been designated a TDP.
  - (2) That the employee has the opportunity to identify himself/herself voluntarily as a user of an illegal drug and to receive counseling or rehabilitation.
  - (3) That NASA's policy, as stated in Chapter 5, paragraph 5.4, is that disciplinary action for illegal drug use shall not be taken against an employee who has been found to use an illegal drug, if the employee accomplishes the following:
    - (i) Voluntarily identifies himself/herself as a user of an illegal drug prior to receiving notification of a scheduled test.
    - (ii) Successfully completes counseling and rehabilitation.
    - (iii) Refrains from using illegal drugs after successful completion of counseling and rehabilitation.
- b. The employee shall be subject to random testing no sooner than 30 days after the date of this notice.
- c. Each employee in a TDP shall be asked to acknowledge, in writing, that the employee has received and read the notice that states that the employee's position has been designated for random drug testing and that refusal to submit to testing shall result in initiation of disciplinary action, up to and including removal.
- d. If the employee refuses to sign the acknowledgment, the employee's supervisor shall note on the acknowledgment form that the employee received the notice. This acknowledgment shall be collected and maintained by each Center's Human Resources Office.
- e. An employee's failure to sign the notice shall not preclude testing.

4.4.2.5 Notification of Selection. An individual selected for random testing, as well as the first-level supervisor, shall be notified, preferably, on the same day that the test is scheduled and within two hours or less of the scheduled testing. The supervisor shall explain to the employee that the employee is under no suspicion of taking drugs and that the employee's name was selected randomly.

#### 4.4.2.6 Deferral of Random Testing

a. An employee's test may be deferred by the first-line supervisor or designated approval authority



for purposes of leave, travel, work schedule, etc. on the following grounds:

- (1) The employee is in an approved leave status (administrative, annual, sick, or leave-without-pay status).
- (2) The employee is in official travel status.
- (3) The employee is in an approved telecommuting status.
- (4) The employee is in training that is off-Center.

b. An employee's test may be deferred based on the agreement of both the first- and second-level supervisors that there is a compelling need for the employee to perform a task or function that is time critical and for which no other employee can be substituted.

c. An employee whose test is deferred shall be subject to an unannounced test within 60 days following the deferral.

4.4.2.7 Administrative Relief. If an employee disagrees that his/her position is a TDP, he/she may file an administrative appeal to the appropriate Center Director (or designee). The appeal must be submitted by the employee, in writing, within 15 days of the date that the employee is notified that his/her position is a TDP. The appeal must set forth all relevant information. The decision by the Center Director (or designee) is final. There is no further administrative appeal.

#### 4.4.2.8 Employee Counseling and Assistance

a. While participating in a counseling or rehabilitative program, the employee may be exempted from the random TDP pool for a period not to exceed 60 days or for a time period specified in an abeyance contract or rehabilitative plan approved by NASA management.

b. Upon successful completion of the counseling or rehabilitative program, the employee shall immediately be returned to the TDP pool and shall be subject to follow-up testing pursuant to paragraph 4.4.6.

#### 4.4.3 Reasonable-Suspicion Testing

4.4.3.1 Reasonable-suspicion testing may be required of any employee in a position that is designated for random testing when there is a reasonable suspicion that the employee uses illegal drugs whether on or off duty. Reasonable-suspicion testing may also be required of any employee in any position when there is reasonable suspicion of on-duty drug use or on-duty drug impairment.

4.4.3.2 Reasonable-suspicion testing does not require certainty; however, undocumented hunches are not sufficient to warrant such testing. Among other things, reasonable-suspicion testing may be based upon any of the following:

- a. Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug.
- b. Arrest or conviction in the last year for a drug-related offense or the identification of an employee as the focus of a criminal investigation into illegal-drug possession, use, or trafficking (e.g., distribution of a controlled substance).
- c. Information provided either by reliable and credible sources or by independent corroboration.
- d. Newly discovered evidence that the employee has tampered with a previous test result.

#### 4.4.3.3 Procedures for Conducting Reasonable-Suspicion Testing

- a. If an employee is suspected of using illegal drugs, the supervisor shall document, in writing, the information, facts, and circumstances that form the basis to recommend reasonable-suspicion testing. The written report shall include, at a minimum, the appropriate dates and times of the drug-related incident, reliable (credible) sources of information, and the rationale leading to the recommendation for the test. If reasonable-suspicion testing is conducted, the documentation shall be appended to include the findings of the test and the action taken. Concurrence by a higher-level supervisor and the Office of General Counsel is required, in advance, for all reasonable-suspicion tests.
- b. Upon the Office of General Counsel's determination of reasonable-suspicion, the supervisor shall inform the Center's Human Resources Office and contact the DPC, who will normally schedule the test within two hours of being notified.
- c. Any employee with a verified nonnegative (i.e., positive, substituted, or adulterated) test result shall be subject to the same conditions and procedures as an employee found to use illegal drugs through any other means.

#### 4.4.4. Post-Accident or Unsafe Practice Testing

4.4.4.1 NASA is committed to providing a safe and secure working environment. It also has a legitimate interest in determining the cause of serious accidents so that it can undertake appropriate corrective measures. Post-accident drug testing can provide invaluable information in furtherance of that interest. Accordingly, an employee may be subject to testing when, based upon the circumstances of the accident, his/her actions are reasonably suspected of having caused or contributed to an accident that meets the following criteria:

- a. The accident results in a death or personal injury requiring immediate hospitalization.
- b. The accident results in damage to Government or private property estimated to exceed of \$10,000.

4.4.4.2 If an employee is suspected of having caused or contributed to an accident meeting either of the above criteria, the appropriate supervisor shall present the facts leading to this suspicion to the Center Director (or designee) for approval. Once approval has been obtained, the Center's Human Resources Office has been informed, and arrangements have been made with the DPC for testing, the supervisor shall prepare a written report detailing the facts and circumstances that warranted the testing. A test should be scheduled as expeditiously as possible.

4.4.4.3 Post-accident or unsafe practice testing shall be conducted independently of any mishap investigation.

#### 4.4.5 Voluntary Testing

4.4.5.1 Employees not in TDPs may volunteer for unannounced random testing by notifying the Center's Human Resources Office. These employees shall then be included in the pool of TDPs subject to random testing and shall be subject to the same conditions and procedures for the finding of illegal drug use as those employees in TDPs.

4.4.5.2 Volunteers shall remain in the TDP pool for the duration of the position that the employee holds or until the employee withdraws from participation by notifying the Center's Human Resources Office of such intent at least 48 hours prior to a scheduled test.

#### 4.4.6 Follow-up Testing

4.4.6.1 An employee who has been referred through administrative channels and who successfully completes counseling and rehabilitation for illegal drug use shall be subject to unannounced drug testing for a period of one year, at an increased frequency of no less than four times a year, or as



agreed to in a last chance agreement.

4.4.6.2 Follow-up testing is distinct from testing that may be imposed as a component of the EAP.

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# Chapter 5. Finding of Illegal Drug Use and Disciplinary Consequences

## 5.1 Determination

5.1.1 An employee may be found to use illegal drugs on the basis of any appropriate evidence including, but not limited to:

- a. Direct observation.
- b. Evidence obtained from an arrest or criminal conviction.
- c. A verified nonnegative test result.
- d. An employee's voluntary admission.

## 5.2 Mandatory Administrative Actions

5.2.1 NASA shall initiate disciplinary action against any employee found to use illegal drugs.

5.2.2 NASA shall refer an employee, found to use illegal drugs, to the EAP.

5.2.3 If an employee found to use illegal drugs occupies a TDP, NASA management must immediately remove the employee from that position.

5.2.4 At the discretion of the Center Director (or designee) and as part of an EAP, an employee may be permitted to return to duty in a TDP if the return would not endanger public health or safety or national security.

## 5.3 Range of Consequences

5.3.1 The severity of the disciplinary action taken against an employee found to be using illegal drugs shall depend on the circumstances of each case, shall be consistent with

EO 12564, and shall include the full range of disciplinary actions, including removal. NASA shall initiate disciplinary action against any employee found to use illegal drugs but shall not discipline an employee who voluntarily admits to illegal drug use, in accordance with paragraph 5.4.

5.3.2 Such disciplinary action, consistent with any governing collective-bargaining agreement, the Civil Service Reform Act, other statutes, NASA orders, and regulations, may include any of the following measures, but some disciplinary action must be initiated:

- a. Reprimanding the employee in writing.
- b. Placing the employee in an enforced leave status.

- c. Suspending the employee for 14 days or less.
- d. Suspending the employee for 15 days or more.
- e. Suspending the employee until the employee successfully completes the EAP or until NASA determines that action other than suspension is more appropriate.
- f. Reducing the employee in pay or grade.
- g. Removing the employee from Federal service.

## **5.4 Voluntary Referral (Safe Harbor)**

5.4.1 Under EO 12564, NASA is required to initiate action to discipline any employee found to use illegal drugs in every circumstance except when an employee:

- a. Voluntarily admits his/her drug use to management.
- b. Completes counseling or an EAP.
- c. Thereafter refrains from drug use.

5.4.2 A fundamental purpose of NASA's Drug-Free Workplace Program is to assist an employee who is seeking treatment for drug use. Because EO 12564 permits an agency to create a safe harbor, NASA has decided to provide one and shall not initiate disciplinary action for illegal drug use against an employee who meets all three of the following conditions:

- a. Voluntarily identifies himself/herself to management as a user of illegal drugs, prior to being identified through other means.
- b. Successfully completes counseling and rehabilitation through an EAP, including follow-up testing.
- c. Refrains from using illegal drugs after successful completion of counseling and rehabilitation.

5.4.3 This self-referral option allows any employee to step forward and identify himself/herself as an illegal drug user for the purpose of entering a drug-treatment program under the EAP.

5.4.4 The key to this provision's rehabilitative effectiveness is an employee's willingness to overcome denial by voluntarily admitting his/her drug-use problem to himself/herself and to management and others. Therefore, this provision shall not be available to an employee who is asked to provide a urine sample under random, reasonable-suspicion, post-accident or unsafe practice testing, and who thereafter (i.e., just before or after the sample is collected) admits his/her drug use.

## **5.5 Initiation of Mandatory Removal from Federal Service**

- 5.5.1 NASA must initiate action to remove an employee for any of the following:
- a. Refusing to obtain counseling and rehabilitation through an EAP, as required by EO 12564, after having been found to use illegal drugs.
  - b. Having been found to have used illegal drugs following a first finding of illegal drug use.
  - c. Refusing to be tested when so required.

d. Failing to appear for testing without justification that is acceptable to NASA management.

5.5.2 The Center's Human Resources Office must be consulted before any disciplinary action is initiated (see paragraph 5.3).

## **5.6 Refusal to Take a Drug Test**

5.6.1 An employee who refuses to be tested when required shall be subject to the full range of disciplinary action, including removal (see paragraph 5.3).

5.6.2 Attempts to alter, substitute, or tamper with the collection of the specimen shall be deemed a refusal to take the drug test.

## **5.7 Failure to Appear for Testing**

5.7.1 Failure to appear for testing without justification that is acceptable to NASA management shall be considered as refusal to participate in testing. This shall subject:

- a. An employee to the full range of disciplinary actions, including removal (see paragraph 5.3).
- b. An applicant to the cancellation of an offer of employment.

5.7.2 If an individual fails to appear at the collection site at the assigned time, the collector shall contact the DPC who shall, in turn, contact the appropriate management official in order to initiate appropriate action.

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# Chapter 6. Rehabilitation

## 6.1 EAP

### 6.1.1 Center EAPs

6.1.1.1 Assist supervisors who have employees with performance and/or conduct problems and make referrals to treatment and rehabilitative facilities.

6.1.1.2 Provide counseling and assistance to employees who refer themselves for treatment or who have been found to be illegal drug users and monitor their progress through treatment/rehabilitation.

6.1.1.3 In cooperation with the DPC and the Center's Human Resources Office, make available to all NASA employees, education and training on the types and effects of drugs, the symptoms of drug use, and the impact of drugs on performance and conduct, the relationship of the EAP with the NASA Drug-Free Workplace Program, and related treatment, rehabilitative, and confidentiality issues.

6.1.2 The EAP shall be administered separately from the NASA Drug-Free Workplace Program. For those duties and responsibilities belonging to the DPC, refer to Chapter 2, paragraph 2.5.

## 6.2 Referral and Availability

6.2.1 The EAP shall provide counseling and rehabilitative services for all referrals, as well as education and training for all employees regarding the use of illegal drugs. Any employee found to use illegal drugs shall be referred to the EAP; however, the EAP shall be available to all employees without regard to a finding of illegal drug use. When feasible, the EAP is also available to NASA employees whose family members have drug problems.

6.2.2 In the event that the employee is not satisfied with the program of treatment or rehabilitation, the employee may seek a review of the EAP Coordinator's referral by notifying the EAP Administrator prior to completion of the program. The EAP Administrator's decision shall be final and shall not be subject to further administrative review. Regardless of the treatment program chosen, the employee shall be responsible for the cost and successful completion of the treatment. An employee's assertions that the counselor failed to consider one or more of the factors in Chapter 2, paragraph 2.7.1.f. in making a referral shall constitute neither an excuse for continuing to use illegal drugs nor a defense against disciplinary action if the employee does not complete treatment.

## 6.3 Leave Allowance

6.3.1 During the assessment/referral phase of rehabilitation, an employee shall be allowed up to one hour (or more as necessitated by travel time) of excused absence for each counseling session up to a maximum to be determined by the supervisor according to workload requirements and leave-usage laws, regulations, and NASA policy.

6.3.2 Absences during duty hours for rehabilitation/treatment after the assessment/referral phase must be charged to the appropriate leave category (annual, sick, or leave without pay (LWOP)) in accordance with applicable laws and leave regulations.

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# Chapter 7. Records and Reports

## 7.1 Confidentiality of Test Results

7.1.1 The laboratory may disclose confirmed laboratory test results only to an MRO. Any nonnegative result that the MRO justifies by licit and appropriate medical or scientific documentation to account for the results as other than the intentional ingestion of an illegal drug, shall be treated as a negative test result and may not be released for purposes of identifying illegal drug use. Test results shall be protected under the provisions of the Privacy Act of 1974, 5 U.S.C. §552(a), et seq., and Public Law 100-71, Section 503(e) and may not be released in violation of either Act. The MRO may maintain only those records necessary for compliance with EO 12564. Any records of the MRO, including drug-test results, may be released to any supervisor or management official(s) having authority to take adverse personnel actions for purposes of auditing the activities of the MRO, except that the disclosure of the results of any audit may not include personal identifying information on any employee.

7.1.2 To comply with Public Law 100-71, Section 503(e), the results of a drug test of a NASA employee may not be disclosed without the prior written consent of such employee, unless the disclosure would be to any of the following:

- a. The Agency's and/or Center's MRO.
- b. The EAP Administrator, when the employee is receiving counseling or treatment.
- c. Any supervisor, management official(s), or employee relations specialist within NASA having authority to take or recommend adverse personnel action against the employee.
- d. Pursuant to the order of a court of competent jurisdiction where required by the United States Government to defend against any adverse personnel action.

7.1.3 Test results with all identifying information removed shall also be made available to NASA personnel, including the DPC, for data collection and other activities necessary to comply with Section 503(f) of the Act.

## 7.2 Employee Access to Records

7.2.1 Any employee who is the subject of a drug test shall, upon written request, have access to any records relating to the following:

- a. Such individual's drug test.
- b. The results of any relevant certification, review, or revocation of proceedings, as referred to in Section 503(a)(1)(a)(ii)(III) of the Act.

## 7.3 Confidentiality of Records in General

7.3.1 All drug-testing information, specifically relating to individuals, is confidential and should be treated as such by anyone authorized to review or compile program records. To implement EO 12564 efficiently and to make information readily retrievable, the DPC shall maintain all records relating to reasonable-suspicion testing, suspicion of tampering evidence, and any other authorized documentation necessary.

7.3.2 All records and information of the personnel actions taken on employees with verified nonnegative test results should be forwarded to the appropriate HRO representative. Such shall remain confidential and be appropriately safeguarded, allowing access only to authorized individuals who have a need to know.

## **7.4 Maintenance of Records**

7.4.1 The records resulting from this Plan are maintained in accordance with the Privacy Act under the Office of Personnel Management (OPM) GOVT-10 Privacy Act System of Records and all other applicable Federal laws, rules, and regulations regarding confidentiality of patient records. They are dispositioned in accordance with NPR 1441.1, NASA Records Retention Schedules.

7.4.2 The recordkeeping system captures sufficient documents to meet the operational and statistical needs of this Plan and includes the following:

- a. Notices of verified nonnegative test results referred by the MRO.
- b. Written materials justifying reasonable-suspicion and post-accident or unsafe practice testing or evidence that an individual may have altered or tampered with a specimen.
- c. Anonymous statistical reports.
- d. Other documents that the DPC, MRO, or EAP Administrator deem necessary for compliance with this Plan.

7.4.3 If necessary, other records may be maintained as required by subsequent administrative or judicial proceedings or at the discretion of the NASA DPM.

## **7.5 EAP Records**

7.5.1 The EAP Administrator shall maintain only those records necessary to comply with this Plan. After a management official refers an employee, the EAP Administrator shall maintain all records necessary to carry out his/her duties.

7.5.2 All medical and/or rehabilitative records concerning the employee's drug abuse, including EAP records of the identity, diagnosis, prognosis, or treatment are confidential and may be disclosed only as authorized by 42 CFR Part 2, including the provision of written consent by the employee.

7.5.3 With written consent, the patient may authorize the disclosure of those records to the patient's employer for verification of treatment or for a general evaluation of treatment progress (42 CFR Part 2).

## **7.6 Statistical Information**

7.6.1 The DPC shall collect and compile anonymous statistical data for reporting the following:



- a. Random, reasonable-suspicion, post-accident or unsafe practice, follow-up, and pre-employment tests administered.
- b. Verified nonnegative (positive, adulterated, substituted, or invalid) test results.
- c. Voluntary drug counseling referrals.
- d. Involuntary drug counseling referrals.
- e. Terminations or denial of employment offers resulting from the following:
  - (1) Refusal to submit to testing.
  - (2) Alteration of specimens.
  - (3) Failure to successfully complete an EAP counseling or rehabilitative program and follow-up testing.
- f. Employees who successfully complete the EAP counseling or rehabilitative program and follow-up testing.

7.6.2 These data, along with other pertinent information, shall be compiled and provided to HHS upon their request for the annual report to Congress required by Section 503(f) of the Act, to assist in overall program evaluation, and to determine whether changes to the HHS Mandatory Guidelines may be required.

## **7.7 Records Maintained by Government Contractors**

Any contractor hired to satisfy any part of this Plan shall comply with the confidentiality requirements of EO 12564, all applicable Federal laws, rules, regulations, and guidelines, and this Plan.

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# Appendix A. NASA Guidelines for Determining Testing Designated Positions (TDPs) Subject to Random Drug Testing

## I. Background

The Office of National Drug Control Policy (ONDCP) assumed lead oversight and policy responsibility for EO 12564, signed by President Reagan on September 15, 1986, in March 1991 by designation of President George H. W. Bush. The Interagency Coordinating Group (ICG) Executive Committee, under the authority of ONDCP, issued by memorandum dated August 1, 1999, Guidance for Selection of TDPs. This Guidance superseded all previous guidance and criteria for the selection of TDPs and is the primary reference for NASA's selection of TDPs.

In the early stages of the implementation of EO 12564, Federal agencies were provided a decision guide entitled "Drug Testing of Sensitive Positions, Optional Decision Guide for Selecting Testing Designated Positions," to assist them in identifying the pool of personnel potentially subject to random testing. The analysis in that guide centered upon the criteria of Section 7(d) of the EO. By applying these criteria, NASA identified the pool of sensitive positions which might be subject to random drug testing. At the time the EO was issued, all positions satisfying these criteria could be appropriately designated for testing. Since that time, however, EO 12564 has been upheld, and TDP selection rationales for random testing at Federal agencies have been examined and narrowed by the courts through the years of litigation and numerous judicial opinions.

## II. Guidelines

Through litigation of agency programs, the courts have defined some limits on TDP justifications. As a result of these decisions, the ICG Executive Committee's Guidance provides lists of presumptive, preferred, discretionary, and disfavored TDPs.

### A. Presumptive TDPs

In light of the well-developed law, clear public interest applicable to the testing of certain categories of positions, and the need for consistency, all the positions set forth in the categories below must be included in agency plans unless very compelling reasons exist not to do so. If an agency head is of the opinion that the unique circumstances of the agency warrant the exclusion of all or some of the positions in these categories, justification for doing so must be presented to and approved by the ICG Executive Committee. The positions that are to be included in every agency plan, if such positions exist in the agency, are the following:

1. Employees who carry firearms.

Employees who actually carry firearms on a daily or regular basis are included in this presumptive category and should be in all TDP pools.

2. Motor vehicle operators carrying passengers.

This category includes operators of motor vehicles:

- a. Weighing more than 26,001 pounds.
- b. Transporting hazardous materials.

In addition, case law supports the inclusion of operators of motor vehicles that carry passengers, including those that transport Government officials and/or foreign dignitaries or a passenger shuttle.

Note: Department of Transportation regulations implementing the Omnibus Transportation Employee Testing Act of 1991 require random testing for drugs and alcohol of Federal employees who operate vehicles that require a commercial driver's license. A commercial license is required for vehicle operators who: (1) carry 16 or more passengers; (2) transport hazardous materials; or (3) operate a vehicle weighing 26,001 pounds or more.

- 3. Aviation flight crew members and air traffic controllers.
- 4. Railroad operating crews.

## **B. Preferred TDPs**

The well-developed law and clear public interest applicable to drug testing make it evident that the categories set out under this section represent strong government interests for drug testing and will almost always meet established judicial standards. However, inclusion of the following positions as TDPs is not presumptive. To ensure reasonable uniformity, agencies must present agency-specific justifications for testing of these positions. Agencies choosing to exclude positions of functions specified below from drug testing are required to provide justification not to designate one or more of these positions as TDPs to the ICG Executive Committee.

1. Certain health and safety positions.

The first major category includes certain health and safety responsibilities that would cause immediate, substantial physical injury if carried out under the influence of drugs, usually involving a potentially dangerous instrument or machine. These positions are occupied by:

- a. Employees authorized to carry firearms.

This includes employees, such as guards or security personnel, who do not regularly carry a firearm but are authorized to carry one in some circumstances, e.g., emergencies. The rationale for including these positions as TDPs is the same as employees with a security clearance who see classified documents only rarely?granting security clearances in advance provides flexibility and ensures that employees can be given access to classified material as soon as the need arises.

- b. Railroad employees engaged in safety-sensitive tasks. This category includes:

- (1) Persons engaged in handling train movement orders.
- (2) Safety inspectors.
- (3) Those engaged in maintenance and repair of signal systems.

### c. Aviation personnel.

This category includes:

- (1) Flight attendants.
- (2) Flight instructors.
- (3) Ground instructors.
- (4) Flight testing personnel.
- (5) Aircraft dispatchers.
- (6) Aircraft maintenance personnel with direct and critical maintenance responsibilities.
- (7) Aviation security and screening personnel.
- (8) Aircraft safety inspectors.

### 2. Presidential Appointees requiring Senate confirmation.

### 3. Front-line law enforcement personnel.

This category includes front-line law enforcement personnel with proximity to criminals, drugs, or drug traffickers. These positions include guard and law enforcement personnel who have access to firearms (but do not carry weapons or otherwise meet the standards for a Presumptive TDP) and those directly involved in drug interdiction duties.

### 4. Drug rehabilitation employees.

This category includes employees involved in drug rehabilitation or equivalent employee assistant duties so inimical to illegal drug use that such employees can expect inquiry into their fitness.

### 5. Personnel having access to truly sensitive information.

This category includes personnel having access to truly sensitive information, for example, national security material that it is reasonable to assume may damage national interests if compromised. Specifically, these positions include those which require a secret, top secret, or higher clearance.

## **Discretionary Designations**

In addition to the categories of positions identified as Presumptive and Preferred TDPs for inclusion in agency plans, there are other Agency-specific sensitive positions which warrant designation for testing. From the outset, NASA's approach in determining TDPs subject to random drug testing has emphasized careful consideration and development of the criteria to be used in designating TDPs with full participation by the NASA Centers. NASA-specific criteria were first developed by the NASA Drug-Free Workplace Steering Committee. Rather than broad occupational coverage determinations, the TDP criteria emphasizes the review of the specific tasks performed and the level of responsibility exercised in individual positions.

The categories of positions identified below as Discretionary Designations are positions that meet Agency-specific criteria for TDPs. These positions involve the performance of a function or task in which the effects of an error or mistake would likely result in loss of life or serious injury, threaten public safety, and/or impact the achievement and safety of the Agency's missions. These TDPs, along with written justification, are subject to the review and approval of the ICG Executive

## Committee.

1. Employees performing direct hands-on work with explosive, toxic, radioactive, or other dangerous materials or substances.
2. Employees performing direct hands-on work with fluids or gases under pressure.
3. Employees performing hands-on operation or maintenance of major mechanical or electrical equipment that is mission critical and upon which the successful achievement of the Agency's missions is dependent. Does not include positions that involve equipment that poses minimal or no risk or danger to the safety of the public.
4. Employees performing the duties of a safety or quality assurance specialist or other reliability, quality assurance, or safety-related duties that require real-time major decision-making regarding the health and safety of the public or operations of mission critical systems upon which the successful achievement of the Agency's missions is dependent.
5. Employees performing certain launch and in-flight operations work.
6. Employees performing medical treatment and patient care or who have unmonitored or minimally monitored access to drugs.
7. Employees having unescorted access to mission critical systems which warrants inclusion in the NASA Personnel Reliability Program (PRP) [14 CFR Section 1214.500].
8. Managers or supervisors technically qualified to make real-time decisions in lieu of a nonsupervisory employee in a TDP.

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# Appendix B. Positions Designated as Testing Designated Positions (TDPs) Subject to Random Drug Testing

The occupational series and titles of positions listed by TDP category below identify the pool of positions that may be subject to random drug testing. It is not the Agency's intent to designate for random testing each position classified within the occupational series and titles that follow but to designate only those positions with duties and responsibilities that meet the specific criteria. Within the context of the following criteria, mission critical systems include, but are not limited to, the Space Shuttle, the International Space Station, Expendable Launch Vehicles (ELVs), designated payloads, the Shuttle carrier aircraft, and other designated resources that provide critical access to space or the ability to accomplish critical objectives in space. Consistent with its duty to achieve a drug-free workplace under EO 12564, NASA reserves the right to make changes, additions, and deletions to the TDP lists. Information on specific TDPs may be obtained from the Office of Human Resources at each Center.

## A. Presumptive TDPs

1. Employees who carry firearms on a daily or regular basis.

GS-0080 Security Administration GS-1811 Criminal Investigating

2. Motor vehicle operators carrying passengers.

- a. Operators of a motor vehicle that weighs more than 26,001 pounds.

None.

- b. Operators of a motor vehicle to transport hazardous materials.

GS-0802 Engineering Technician

- c. Operators of a motor vehicle that carries passengers, including

Government/Agency/Center officials and/or foreign dignitaries or a passenger shuttle.

GS-0080	Security Administration
GS-0301	Miscellaneous Administration and Program
GS-0303	Miscellaneous Clerical and Assistant
GS-0318	Secretary
GS-0850	Electrical Engineering
GS-0856	Electronics Technician

d. Operators of a motor vehicle, such as a fork lift, operated in a restricted access area associated with mission critical systems in which an accident would endanger the health and safety of the public or the successful achievement of the Agency's missions.

GS-0018	Safety and Occupational Health
GS-0690	Industrial Hygiene
GS-0801	General Engineering
GS-0802	Engineering Technician
GS-0854	Computer Engineering
GS-0855	Electronics Engineering
GS-0856	Electronics Technician
GS-0861	Aerospace Engineering
GS-1152	Production Control
GS-1176	Building Management
GS-1301	General Physical Science
GS-1310	Physics
GS-1330	Astronomy and Space Science
GS-1601	General Facilities and Equipment
GS-1910	Quality Assurance

FWS-2805	Electrician
FWS-3502	Laboring
FWS-4714	Model Making
FWS-4745	Research Laboratory Mechanic
FWS-6910	Materials Expediting

### 3. Aviation flight crew members or air traffic controllers.

GS-0301	Miscellaneous Administration and Program
GS-0602	Medical Officer
GS-0801	General Engineering
GS-0802	Engineering Technician
GS-0850	Electrical Engineering
GS-0856	Electronics Technician
GS-0861	Aerospace Engineering
GS-1301	General Physical Science
GS-2101	General Transportation
GS-2181	Aircraft Operations
GS-2185	Aircrew Technician
Commander, Pilot, Mission Specialist	Astronauts

### 4. Railroad operating crews.

None.

## B. Preferred TDPs

### 1. Certain health and safety positions.

a. Employees authorized to carry firearms - Incumbents of the following positions perform the duties of facility managers and security officers and, as



necessary, must respond to emergency situations that may require the use of firearms to protect and ensure the safety and security of their respective NASA facility and its personnel. Any momentary lapse of attention would put the health and safety of others at risk.

GS-0018	Safety and Occupational Health
GS-0080	Security Administration
GS-0801	General Engineering

b. Railroad employees engaged in safety-sensitive tasks.

None.

c. Aviation personnel - Incumbents in the following positions perform the duties of flight directors, flight-testing personnel, aircraft maintenance and repair personnel with direct and critical maintenance responsibilities, aircraft safety inspectors, and other similar types of mission-critical duties for which they are directly responsible.

GS-0334	Computer Specialist
GS-0801	General Engineering
GS-0802	Engineering Technician
GS-0855	Electronics Engineering
GS-0856	Electronics Technician
GS-0861	Aerospace Engineering
GS-1601	General Facilities and Equipment
GS-1670	Equipment Specialist

2. Presidential appointees requiring Senate confirmation - Incumbents in the following positions perform the duties of Administrator, Deputy Administrator, Chief Financial Officer, and Inspector General.

GS-0301	Miscellaneous Administration and Program
GS-0505	Financial Management
GS-0801	General Engineering

### 3. Front-line law enforcement personnel.

None.

4. Drug rehabilitation employees - Incumbents in the following positions perform the duties of Medical Directors/Officers or Employee Assistance Program Coordinators/Counselors whose responsibilities include direct employee/client contact to counsel, advise, and assist.

GS-0101	Social Science
GS-0180	Psychology
GS-0201	Human Resources Management
GS-0203	Human Resources Assistance
GS-0301	Miscellaneous Administration and Program

5. Personnel having access to truly sensitive information - Incumbents in the following positions perform a variety of functions which, in the performance of their official duties, require access to classified information, secure areas, and/or non-NASA installations requiring a secret, top secret, or higher security clearance; in the interest of national security, a security clearance of secret or higher has been granted. Any unauthorized disclosure of any scientific and technological information would cause exceptionally grave or serious danger to national security.

GS-0018	Safety and Occupational Health
GS-0080	Security Administration
GS-0086	Security Clerical and Assistance
GS-0170	History
GS-0180	Psychology
GS-0201	Human Resources Management
GS-0212	Personnel Staffing Specialist
GS-0230	Employee Relations Specialist
GS-0301	Miscellaneous Administration and Program
GS-0303	Miscellaneous Clerical and Assistant

GS-0305	Mail and File
GS-0318	Secretary
GS-0334	Computer Specialist
GS-0335	Computer Clerk and Assistant
GS-0340	Program Management
GS-0341	Administrative Officer
GS-0342	Support Services Administration
GS-0343	Management and Program Analysis
GS-0344	Management and Program Clerical and Assistance
GS-0391	Telecommunications
GS-0401	General Biological Science
GS-0501	Financial Administration and Program
GS-0505	Financial Management
GS-0510	Accounting
GS-0560	Budget Analysis
GS-0601	General Health Science
GS-0602	Medical Officer
GS-0690	Industrial Hygiene
GS-0701	Veterinary Medical Science
GS-0801	General Engineering
GS-0802	Engineering Technician
GS-0803	Safety Engineering
GS-0806	Materials Engineering
GS-0830	Mechanical Engineering
GS-0840	Nuclear Engineering
GS-0850	Electrical Engineering

GS-0854	Computer Engineering
GS-0855	Electronics Engineering
GS-0856	Electronics Technician
GS-0861	Aerospace Engineering
GS-0892	Ceramic Engineering
GS-0893	Chemical Engineering
GS-0905	General Attorney
GS-0950	Paralegal Specialist
GS-0986	Legal Assistance
GS-1035	Public Affairs
GS-1060	Photograph
GS-1071	Audiovisual Production
GS-1082	Writing and Editing
GS-1083	Technical Writing and Editing
GS-1084	Visual Information
GS-1101	General Business and Industry
GS-1102	Contracting
GS-1140	Trade Specialist
GS-1152	Production Control
GS-1199	Business/Industry Student Trainee
GS-1222	Patent Attorney
GS-1301	General Physical Science
GS-1303	Earth Science Program Management
GS-1310	Physics
GS-1313	Geophysics
GS-1320	Chemistry

GS-1330	Astronomy and Space Science
GS-1340	Meteorology
GS-1360	Oceanography
GS-1386	Photographic Technologist
GS-1410	Librarian
GS-1412	Technical Information Services
GS-1420	Archivist
GS-1520	Mathematics
GS-1550	Computer Science
GS-1601	General Facilities and Equipment
GS-1654	Printing Management
GS-1670	Equipment Specialist
GS-1720	Education Program
GS-1801	General Inspection, Investigation, and Compliance
GS-1910	Quality Assurance
GS-2001	General Supply
GS-2130	Traffic Management
GS-2151	Dispatching
GS-2181	Aircraft Operations
GS-2210	Information Technology Management

### C. Discretionary Designation TDPs

1. Performs direct hands-on work with explosive, toxic, radioactive, or other such types of dangerous materials or substances - Incumbents in the following positions perform duties which require them to make independent, real-time major decisions in the performance of their duties involving hands-on work with explosives, toxic and/or radioactive substances, or other dangerous materials or substances. The use of these materials and substances is critical to our space systems and mission success. Any use of illegal drugs in this type of position would jeopardize the health and safety of others resulting in injury or loss of life

and/or result in damage or destruction of mission critical property and/or systems.

GS-0018	Safety and Occupational Health
GS-0028	Environmental Protection Specialist
GS-0690	Industrial Hygiene
GS-0698	Environmental Health Technician
GS-0801	General Engineering
GS-0802	Engineering Technician
GS-0806	Materials Engineering
GS-0830	Mechanical Engineering
GS-0850	Electrical Engineering
GS-0856	Electronics Technician
GS-0861	Aerospace Engineering
GS-1301	General Physical Science
GS-1306	Health Physics
GS-1310	Physics
GS-1311	Physical Science Technician
GS-1601	General Facilities and Equipment
GS-2010	Inventory Management

2. Performs direct hands-on work with fluids and gases that are under pressure - Incumbents in the following positions perform duties which require them to make independent, real-time major decisions in the performance of their duties involving hands-on work with fluids and gases that are under pressure. The use of these fluids and gases is critical to our space systems and mission success. Any use of illegal drugs in this type of position would jeopardize the health and safety of others, resulting in injury or loss of life, and/or result in damage or destruction of mission critical property and/or systems.

GS-0801	General Engineering
GS-0802	Engineering Technician

GS-0830	Mechanical Engineering
GS-0855	Electronics Engineering
GS-0850	Electrical Engineering
GS-0856	Electronics Technician
GS-0861	Aerospace Engineering
GS-1152	Production Control
GS-1311	Physical Science Technician
GS-1601	General Facilities and Equipment
GS-1670	Equipment Specialist
FWS-2601	Electronic Systems Mechanic
FWS-4714	Model Making

3. Performs hands-on operation or maintenance of major mechanical or electrical equipment that is mission critical and upon which the successful achievement of the Agency's missions is dependent - Incumbents in the following positions perform duties which require them to make independent, real-time major decisions in the performance of their duties involving hands-on operation, maintenance, repair, or inspection of major mechanical or electrical equipment critical to our space systems and mission success. Any use of illegal drugs in this type of position would jeopardize the health and safety of others, resulting in injury or loss of life, and/or result in damage or destruction of mission critical property and/or systems. Does not include positions that involve mechanical or electrical equipment that poses minimal or no risk or danger to the safety of the public.

GS-0801	General Engineering
GS-0802	Engineering Technician
GS-0830	Mechanical Engineering
GS-0850	Electrical Engineering
GS-0855	Electronics Engineering
GS-0856	Electronics Technician
GS-0861	Aerospace Engineering

GS-1152	Production Control
GS-1601	General Facilities and Equipment
FWS-2810	High-Voltage Electrician
FWS-3808	Boilermaking
FWS-4202	Pipefitting
FWS-4714	Model Making
FWS-4742	Utility Systems Repairing-Operating

4. Performs duties of a safety or quality assurance specialist or other reliability, quality assurance, or safety-related duties - Incumbents in the following positions perform a variety of functions to ensure the safety of the public; our personnel, facilities, and property; and mission critical systems. They are required to make independent, real-time major decisions involving critical safety, quality, and reliability issues during the research, development, and operational phases of flight hardware and space systems. Safety is the cornerstone of mission success. Any use of illegal drugs in this type of position would jeopardize the health and safety of others, resulting in injury or loss of life, and/or result in damage or destruction of mission critical property and/or systems.

GS-0018	Safety and Occupational Health
GS-0801	General Engineering
GS-0802	Engineering Technician
GS-0803	Safety Engineering
GS-0819	Environmental Engineering
GS-0830	Mechanical Engineering
GS-0850	Electrical Engineering
GS-0854	Computer Engineering
GS-0861	Aerospace Engineering
GS-1601	General Facilities and Equipment
GS-1910	Quality Assurance
FWS-2810	High-Voltage Electrician



5. Performs certain launch and in-flight operations work - Incumbents in the following positions perform a variety of functions during take-off, in-flight, and landing of aircraft and during ascent, on-orbit, and reentry operations of space systems. They are required to make independent, real-time major decisions often based on complex, technical data. Any use of illegal drugs in this type of position would jeopardize the health and safety of others, resulting in injury or loss of life, and/or result in damage or destruction of mission critical property and/or systems.

GS-0801	General Engineering
GS-0850	Electrical Engineering
GS-0854	Computer Engineering
GS-0861	Aerospace Engineering

6. Performs medical treatment and patient care or has unmonitored or minimally monitored access to drugs - Incumbents in the following positions provide clinical medical care, including diagnostic and therapeutic health care services, for research pilots, astronauts, and payload specialists. Such services may be provided during pre-flight, in-flight, or post-flight activities. In addition, medical safety monitoring of human subjects is required during tests and training, including all vacuum chamber and water immersion experiments. Any use of illegal drugs in this type of position may result in inaccurate or untimely medical judgments, which would lead to injury or loss of life of pilots, astronauts, payload specialists, and/or human test subjects. The incumbents' easy access to narcotics and other controlled substances makes them unusually susceptible to unauthorized personal use.

GS-0602	Medical Officer
GS-0610	Nurse

7. Has unescorted access to mission critical systems which warrants inclusion in the NASA Personnel Reliability Program (PRP) [14 CFR Section 1214.500] - Incumbents in the following positions have either been assigned to mission critical positions, or perform duties requiring unescorted access to mission critical systems' areas, and have been certified under the NASA PRP. In addition, although many of the incumbents of the following positions do not, in the performance of their day-to-day duties, require unescorted access to mission critical systems' areas, they are often called upon to act as hosts/hostesses and tour guides during the many public functions (e.g., activities associated with

Space Shuttle launch and landing activities) which involve escorting guests (often foreign dignitaries) on tours of the facilities, including mission critical systems' areas and have, therefore, been certified under the NASA PRP. Duties performed in a faulty, negligent, or malicious manner or any use of illegal drugs in this type of position would jeopardize mission critical property and/or systems and the successful achievement of the Agency's missions.

GS-0018	Safety and Occupational Health
GS-0028	Environmental Protection Specialist
GS-0180	Psychology
GS-0235	Employee Development
GS-0260	Equal Employment Opportunity
GS-0301	Miscellaneous Administration and Program
GS-0303	Miscellaneous Clerical and Assistant
GS-0318	Secretary
GS-0334	Computer Specialist
GS-0340	Program Management
GS-0341	Administrative Officer
GS-0343	Management and Program Analysis
GS-0344	Management and Program Clerical and Assistance
GS-0346	Logistics Management
GS-0391	Telecommunications
GS-0399	Administration and Office Support Student Trainee
GS-0401	General Biological Science
GS-0435	Plant Physiology
GS-0501	Financial Administration and Program
GS-0510	Accounting
GS-0525	Accounting Technician
GS-0560	Budget Analysis

GS-0601	General Health Science
GS-0602	Medical Officer
GS-0690	Industrial Hygiene
GS-0801	General Engineering
GS-0802	Engineering Technician
GS-0803	Safety Engineering
GS-0804	Fire Protection Engineering
GS-0806	Materials Engineering
GS-0807	Landscape Architecture
GS-0809	Construction Control
GS-0810	Civil Engineering
GS-0819	Environmental Engineering
GS-0830	Mechanical Engineering
GS-0850	Electrical Engineering
GS-0854	Computer Engineering
GS-0855	Electronics Engineering
GS-0856	Electronics Technician
GS-0861	Aerospace Engineering
GS-0892	Ceramic Engineering
GS-0899	Engineering and Architecture Student Trainee
GS-1001	General Arts and Information
GS-1035	Public Affairs
GS-1084	Visual Information
GS-1101	General Business and Industry
GS-1102	Contracting
GS-1103	Industrial Property Management

GS-1104	Property Disposal
GS-1150	Industrial Specialist
GS-1176	Building Management
GS-1301	General Physical Science
GS-1310	Physics
GS-1320	Chemistry
GS-1330	Astronomy and Space Science
GS-1520	Mathematics
GS-1530	Statistician
GS-1550	Computer Science
GS-1910	Quality Assurance
GS-2005	Supply Clerical and Technician
GS-2130	Traffic Management
GS-2150	Transportation Operations

8. Managers/supervisors technically qualified to make real-time decisions in lieu of a nonsupervisory employee in a TDP - Incumbents in the following positions, as the direct manager or supervisor of an employee whose duties and responsibilities meet the criteria of a specific TDP category previously identified, would be required in the absence of the employee to make independent, real-time major decisions based on complex technical criteria. Any use of illegal drugs in this type of position would jeopardize the health and safety of others, resulting in injury or loss of life, and/or result in damage or destruction of mission critical property and/or systems.

GS-0081	Fire Protection and Prevention
GS-0301	Miscellaneous Administration and Program
GS-0801	General Engineering
GS-0802	Engineering Technician
GS-0806	Materials Engineering
GS-0850	Electrical Engineering

GS-0855	Electronics Engineering
GS-0861	Aerospace Engineering
GS-1301	General Physical Science
GS-1313	Geophysics
GS-1320	Chemistry
GS-1330	Astronomy and Space Science
GS-1801	General Inspection, Investigation, and Compliance

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# Appendix C. Guidance for the Determination of Testing Designated Positions (TDPs) Subject to Random Drug Testing (to be retained with original position description)

The questions below relate to the categories of positions which have been identified and/or approved as Testing Designated Positions (TDPs) by the Interagency Coordinating Group (ICG) Executive Committee under the authority of the Office of National Drug Control Policy. Appendix C is intended to be used in conjunction with Appendices A and B of this NPR to document the basis for the determination of a position's inclusion/exclusion from the Agency's TDP pool and should be completed jointly by a Human Resources (HR) Specialist and the supervisor of the position. A yes answer to any question should be clearly documented and supported by the position description. Upon completion and a determination that the position is a TDP, Appendix C should be signed and dated by both the HR Specialist and the supervisor and filed with the original position description.

Classification Title of Position:

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Classification Series/Grade:

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Position #: \_\_\_\_\_ Organization Code:

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## A. Presumptive TDPs

- |   |     |    |
|---|-----|----|
| 1. Will the employee carry a firearm on a daily or regular basis? | Yes | No |
| 2. Will the employee operate a motor vehicle?                     | Yes | No |

If yes, assess the following:

a. Will the employee operate a motor vehicle which carries passengers, including those which transport Government/Agency/Center officials and/or foreign dignitaries or a passenger shuttle? Yes No

If the employee operates a passenger shuttle, does the passenger shuttle carry 16 or more passengers? Yes No

b. Will the employee operate a motor vehicle to transport hazardous materials? Yes No

c. Will the employee operate a motor vehicle weighing more than 26,001 pounds? Yes No

d. Will the employee operate a motor vehicle, such as a fork lift, in a restricted access area associated with mission critical systems in which an accident would endanger the health and safety of the public or the successful achievement of the Agency's missions? Yes No

Note: If the answer to either a, b, or c above is yes, the employee may be required to have a commercial driver's license; and if so, may be subject to random testing for drugs and alcohol under the Department of Transportation's regulations implementing the Omnibus Transportation Employee Testing Act of 1991. Please contact NASA Headquarters, Office of Human Capital Management (OHCM), before proceeding.

3. Will the employee be an aviation flight crew member or air traffic controller? Yes No

4. Will the employee be a railroad operating crew member? Yes No

If the answer to any of the questions above is yes, the position must be designated as a TDP. STOP, and complete the Overall Assessment. If it is believed that unique circumstances, specific to NASA, warrant exclusion, a written justification, along with the position description and the completed Appendix C, must be forwarded to NASA Headquarters, OHCM, for consideration. After consultation with the Office of General Counsel, OHCM will render a final decision.

## B. Preferred TDPs



## 1. Certain health and safety positions:

a. Will the employee be authorized to carry a firearm (but does not do so on a regular basis) in order to respond to emergency situations that may require the use of a firearm to protect and ensure the safety and security of the NASA facility and its personnel? Yes No

b. Will the employee be engaged in railroad safety-sensitive tasks, such as train movement, safety inspectors, or the maintenance/repair of signal systems? Yes No

c. Will the employee perform the duties of:

(1) A flight instructor? Yes No

(2) Flight testing personnel? Yes No

(3) Aircraft and/or mission critical systems maintenance and repair personnel with direct and critical maintenance responsibilities (not a general support role)? Yes No

(4) Aircraft safety inspectors? Yes No

2. Will the employee be a Presidential Appointee requiring Senate confirmation? Yes No

3. Will the employee have access to a firearm (but does not carry a weapon or otherwise meet the standards for a presumptive TDP) to perform the duties of a guard or that of law enforcement personnel in order to respond to emergency situations? Yes No

4. Will the employee perform the duties of a Medical Director/Officer or Employee Assistance Program coordinator/counselor whose responsibilities include direct employee/client contact to counsel, advice, and assist? Yes No

5. Will the employee have access to truly sensitive information which will require a:

a. Top secret or higher clearance? Yes No

b. Secret clearance? Yes No

If the answer to any of the questions above is yes, the position should be designated as a TDP. STOP, and complete the Overall Assessment. A written, Agency-specific justification for excluding the position from testing, along with the position description and the

completed Appendix C, must be forwarded to NASA Headquarters, OHCM, for consideration. After consultation with the Office of the General Counsel, OHCM will render a final decision.

## C. Discretionary Designations

- |  |     |    |
|--|-----|----|
| 1. Will the employee perform duties which require him/her to make independent, real-time major decisions involving hands-on work with explosive, toxic, radioactive, or other dangerous materials or substances?   | Yes | No |
| 2. Will the employee perform duties which require him/her to make independent, real-time major decisions involving hands-on work with fluids or gases that are under pressure?   | Yes | No |
| 3. Will the employee perform duties which require him/her to make independent, real-time major decisions involving the hands-on operation, maintenance, repair, or inspection of major mechanical or electrical equipment critical to our space systems and mission success? (Note: Does not include positions that involve mechanical or electrical equipment that poses minimal or no risk or danger to the safety of the public or is not critical to mission success.) | Yes | No |
| 4. Will the employee perform the duties of a safety or quality assurance specialist or other reliability, quality assurance, or safety-related duties to ensure the safety of the public; our personnel, facilities, and property; and mission critical systems?   | Yes | No |
| 5. Will the employee perform certain launch and in-flight operations work during take-off, in-flight, and landing of aircraft and during ascent, on-orbit, and reentry operations of space systems, such as a flight director, test director, range safety officer, and certain other flight or test specialist and technician functions?  | Yes | No |
| 6. Will the employee perform medical treatment and patient care or have unmonitored or minimally monitored access to drugs such as medical doctors, nurses, and medical technicians?   | Yes | No |
| If the answer to any of the questions above is yes, assess the following:<br>Will the employee be required to make real-time major decisions in the performance of his/her work tasks, i.e., decisions which, if   | Yes | No |

wrong, would jeopardize the health and safety of others, resulting in injury or loss of life, and/or result in damage or destruction of property or mission critical systems.

If the answer to any of the questions above is yes, the position should be designated as a TDP. STOP, and complete the Overall Assessment. A written, Agency-specific justification for excluding the position from testing, along with the position description and the completed Appendix C, must be forwarded to NASA Headquarters, OHCM, for consideration. After consultation with the Office of the General Counsel, OHCM will render a final decision.

7. Will the employee have unescorted access to mission critical systems' areas which warrants the position's inclusion in the NASA Personnel Reliability Program? Yes No

8. If the position is that of a direct manager or supervisor of an employee whose duties and responsibilities meet the criteria of a specific TDP category previously identified, will the employee be required in the absence of the employee to make independent, real-time major decisions based on complex technical criteria? Yes No

If the answer to either of the questions above is yes, the position should be designated as a TDP. STOP, and complete the Overall Assessment. A written, Agency-specific justification for excluding the position from testing, along with the position description and the completed Appendix C, must be forwarded to NASA Headquarters, OHCM, for consideration. After consultation with the Office of the General Counsel, OHCM will render a final decision.

## D. Overall Assessment

